

Order

Michigan Supreme Court
Lansing, Michigan

June 26, 2007

Clifford W. Taylor,
Chief Justice

132109 & (28)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 132109
COA: 268012
Wayne CC: 95-007486

CORTEZ CUNNINGHAM,
Defendant-Appellant.

By order of March 30, 2007, the prosecuting attorney was directed to answer the application for leave to appeal the August 2, 2006 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. The prosecution has affirmatively stated its lack of objection to the defendant receiving 24 days of jail credit in this case. Accordingly, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court with directions to amend the judgment of sentence to reflect 24 days of credit for time served. In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).



d0618

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 26, 2007

Corbin R. Davis

Clerk